

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONNIE AVARAS, individually and on behalf of her minor child, A.A.,

Plaintiffs,

-against-

CLARKSTOWN CENTRAL SCHOOL DISTRICT; and the BOARD OF EDUCATION OF THE CLARKSTOWN CENTRAL SCHOOL DISTRICT, Defendants.

NELSON S. ROMÁN, United States District Judge:

Proposed intervenor Gina M. DeCrescenzo, P.C.'s ("DeCrescenzo P.C.") motion, pursuant to Fed. R. Civ. P. § 24, to intervene in this action is granted (largely) without opposition.¹

Fed. R. Civ. P. § 24 provides in relevant part that on a timely motion, the court must permit anyone to intervene who is given an unconditional right to intervene by a federal statute; or claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest. DeCrescenzo P.C., asserts that it is a law firm with a lien for attorneys' fees arising from work performed at the administrative level to prosecute the cause of action subsequently asserted by Plaintiff, Connie Avaras, in the instant action. DeCrescenzo P.C. claims an equitable interest in Plaintiff's cause of action pursuant to N.Y. Judiciary Law § 475. Moreover, DeCrescenzo alleges that there are common issues of law and fact, and disposing of the action without DeCrescenzo's participation may impair or impede its ability to protect its interest. Accordingly, the motion to intervene is granted, however, the Court makes no determination on the merits of movant's claim.

The Clerk of the Court is respectfully requested to terminate the motion at ECF No. 114.

February 4, 2021
White Plains, New York

SO ORDERED:



JUDGE NELSON S. ROMÁN
U.S. DISTRICT COURT, S.D.N.Y.

¹ Plaintiff noted that the Court had appropriately not granted DeCrescenzo's pending motion to intervene as of January 29, 2021, but did not otherwise assert any opposition to the motion. (See ECF No. 119.)

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7:15-cv-02042 (NSR)
ORDER